



FACT SHEET ON REPRESENTING CLIENTS BEFORE YOUR BOARD OR COMMISSION

The City's Ethics Ordinance includes laws that prohibit City Officials from influencing municipal decisions when those decisions are substantially likely to have a material financial effect on their economic interests. Such interests could include the clients of a person serving on a City board or commission. Accordingly, this Fact Sheet is designed to offer general guidance to board and commission members who have clients with matters that come before their respective board or commission. Keep in mind that the information offered in this Fact Sheet should not be considered a substitute for the actual language contained in the Ethics Ordinance.

- ❖ The Ethics Ordinance prohibits a City Official from participating in a municipal decision if a party to that decision has given the City Official \$500 or more within the past twelve months.
- ❖ If a client has paid you \$500 or more within the past twelve months, that client is a source of income to you for purposes of this prohibition. You may not attempt to influence your own board or commission on behalf of such clients.
- ❖ Influencing your own board or commission includes (a) voting on your client's matter; (b) discussing your client's matter with other members of your board or commission, before, during, or after a meeting; (c) making an appearance before your board or commission on behalf of your client, which includes making a presentation and answering questions about your client's matter; (d) preparing documents that are submitted to your board or commission on behalf of your client; and (e) assisting others who submit documents or appear before your board or commission on behalf of your client.
- ❖ Even if you disqualify yourself from discussing and voting on a matter involving your client, you are still prohibited from appearing before, and submitting documents to, your board or commission with regard to that matter. This prohibition includes assisting others "behind-the-scenes" on matters involving your client if that matter will come before your board or commission.
- ❖ The prohibition extends beyond the immediate scope of your board or commission; it also applies to the City staff associated with your board or commission. In other words, you are prohibited from communicating with the staff about a client's matter that is subject to approval by your board or commission.
- ❖ Documents you have prepared for a client may not be submitted to your board or commission, even if your name does not appear on the document. In other words, you may not ghostwrite a document for submission on behalf of your client.

- ❖ A partner or employee of your firm is not subject to the prohibitions outlined in this Fact Sheet. Such persons may represent a client before your board or commission (and may use the firm's letterhead that includes your name). You are, however, prohibited from assisting anyone, including a partner or employee of your firm, who is presenting the client's matter to your board or commission. In other words, you may not help the partner or employee by making suggestions, giving advice, or editing a document that will come before your board or commission. A document you've authored, co-authored, or edited on behalf of a client may not be submitted to your board or commission, even if someone else in the firm signs it.
- ❖ You may not avoid the prohibitions discussed in this Fact Sheet by hiring someone else, or associating with another firm, in order to have another person to present your documents to your board or commission.
- ❖ If you are a "high level filer," note that when you are disqualified from participating in a decision because the decision involves your client, you must identify that interest at any meeting where the client's matter is being considered, and then you must leave the room while the matter is discussed and voted upon. (High level filers include members of the Planning Commission, Funds Commission, Retirement Board, San Diego Data Processing Corporation Board, Defined Contribution Plan Board, and the Ethics Commission.)
- ❖ There are a number of exceptions to the general prohibition, including:
 - ✓ "Personal Interest" exception: as a member of the general public, you may represent your own personal interests before your board or commission. Personal interests include (a) interests in real property owned by you or your immediate family; (b) business entities owned by you or immediate family; and (c) business entities over which you or your spouse exercise direction and control.
 - ✓ "Technical Documents" exception: you may prepare architectural, engineering, or similar type drawings and other technical submissions for use by a client in connection with a matter that comes before your board or commission. Note that this exception allows you to have contact with the staff of your board or commission, but only for the purpose of processing your drawings or technical submissions.
 - ✓ "Design Review Committee" exception: If you serve on a design or architectural review committee, you may appear before that committee to present your drawings or submissions that are of an architectural, engineering or similar nature if: (a) the committee's sole function is to review these types of plans and make recommendations concerning such plans to the Planning Commission or other agency; (b) your committee is required by law to have members who are architects, engineers, or persons in related professions, and you were appointed to the body to fulfill that requirement; and (c) you are a sole practitioner.

For additional information, please contact the Ethics Commission at (619) 533-3476.